IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.MC.No. 2433 of 2007()

CMP.8729/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT,
IRINJALAKUDA
CRIME NO.345/06 OF PUDUKAD POLICE STATION

.....

PETITIONER: CLAIM PETITIONER:

K.P. JINOY, AGED 26 YEARS,
S/O. PAUL, KALLUKARA HOUSE, VARANTHARAPPILLY.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PUDUKAD POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO.2433 OF 2007

Dated this the 30th day of July, 2007

ORDER

The petitioner is claims to be the bona fide purchaser and the registered owner of a car bearing registration No.KL-5P-19. The said vehicle was seized by the police on the suspicion that it is an item of stolen property. Investigation is in progress. No allegation has been raised against the petitioner. The vehicle was released to the petitioner subject to conditions, as per Annexure-I order of the learned Magistrate dated 1/11/06. The petitioner came to this Court complaining about one of the conditions and the said condition has been modified as per Annexure-II order dated 7/3/07 passed by this Court. The vehicle is thus in the possession of the petitioner. In the conditions imposed by the learned Magistrate, the following condition is also incorporated:

> "4. Petitioner shall not use the vehicle in public place without the permission of the Court, except for the purpose of taking the vehicle from the police station for safe custody and petitioner shall file an undertaking to that fact."

The learned counsel for the petitioner submits that the said Condition No.4 which has remained in force from 1/11/06 is now causing unnecessary problems and difficulties to the petitioner. The said condition may be deleted. The petitioner shall use the vehicle in strict compliance with the provisions of the Motor Vehicles Act and Rules. An identical condition imposed in respect of some other vehicle has already been modified by this Court as per Annexure-III order, it is pointed out.

2. I have considered all the relevant inputs. So far there is no specific allegation that the vehicle in question belongs to some other person from whose possession it was thieved. Of course, there is an allegation raised that the number of the vehicle has been tampered with and that the vehicle is suspected to be an item of stolen property. At any rate, there is no allegation against the petitioner that the petitioner is in any way responsible for the commission of the crime. I am, in these

circumstances, satisfied that condition No.4 imposed on the petitioner can now be deleted with a rider that the vehicle must be used by the petitioner in strict compliance with the Motor Vehicles Act and Rules.

3. The learned Public Prosecutor does not oppose the said prayer.

4. In the result:

(a) This Crl.M.C. is allowed.

(b) The said Condition No.4 is deleted with the rider that the petitioner must use the vehicle in strict compliance with the Motor Vehicles Act and Rules. The other conditions imposed, needless to say, shall continue to remain in force.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge